

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5191 of 2023

Arising Out of PS. Case No.-651 Year-2022 Thana- MAJHAULIA District- West Champaran

1. Subhash Kumar Son Of Madan Sharma R/O Vill.- Bhanachak, Ward No. 11, P.S.- Majhauiliya, Distt.- West Champaran
2. Madan Sharma Son Of Late Mangru Sharma R/O Vill.- Bhanachak, Ward No. 11, P.S.- Majhauiliya, Distt.- West Champaran
3. Binda Devi Wife Of Madan Sharma R/O Vill.- Bhanachak, Ward No. 11, P.S.- Majhauiliya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-04-2023 Heard Mr. Amendra Nath Verma, learned counsel

 appearing on behalf of the petitioner and Ms. Anita Kumari,

 learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Majhauiliya P.S. Case No. 651 of 2022 registered under Sections 447, 341, 323, 379, 307, 354B, 337/34 of the Indian Penal Code.

3. The prosecution story, in brief, is that the accused persons named in the F.I.R. started abusing the informant and his wife. The specific allegation is against petitioner no. 2 Madan Sharma who has assaulted the wife of the informant and in course of the treatment she died.



4. Learned counsel appearing on behalf of the petitioners submitted that specific allegation has been made by the informant, who is the eye witness, is against petitioner no. 2 Madan Sharma. The allegation against petitioner no. 1 is that he has assaulted the informant which has denied by the petitioner in the statement made in Paragraph No. 6 of the bail application. No injury has been found on the body of the informant. He further submits that there is general and omnibus allegation has been made against the petitioner no. 3.

5. Learned APP has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Having heard the rival submission of the parties and on perusal of F.I.R., it appears that informant is the eye witness and he has alleged that his wife was brutally assaulted by Madan Sharma(petitioner no. 2) and in course of treatment she died, I am not inclined to enlarge the petitioner no. 2 namely Madan Sharma on pre-arrest bail and his prayer for grant of pre-arrest bail is hereby rejected.

7. The petitioner nos. 1 and 3 have made specific statement that informant has not received any injury as alleged in the F.I.R. There is general and omnibus allegation against the petitioners nos. 1 and 3. I am of the opinion that petitioner nos.



1 and 3 have made out a case to be released on anticipatory bail.

8. Court below is directed to release the petitioner nos. 1 and 3 on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 651 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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